

**DEPARTMENT OF TRANSPORTATION**

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January 10, 2003

06-Ker,Tul-99-79.0/81.4,88.7/92.7  
06-431504  
ACNH-P099(449)E

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for Highway Planting on State highway in KERN AND TULARE COUNTIES IN MCFARLAND FROM 0.2 KM SOUTH OF SHERWOOD AVENUE OVERCROSSING TO 0.3 KM NORTH OF ELMO HIGHWAY OVERCROSSING AND IN AND NEAR DELANO FROM 0.7 KM SOUTH OF ROUTE 99/155 SEPARATION BRIDGE (GARCES HIGHWAY) TO COUNTY LINE ROAD.

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on January 22, 2003.

This addendum is being issued to revise the Notice to Contractors and Special Provisions, the Proposal and Contract, and the Federal Minimum Wages with Modification Numbers 18 and 16 dated 1-3-03. A copy of the modified wage rates are available for the contractor's use on the Internet Site:

**[http://www.dot.ca.gov/hq/esc/oe/weekly\\_ads/addendum\\_page.html](http://www.dot.ca.gov/hq/esc/oe/weekly_ads/addendum_page.html)**

In the Special Provisions, Section 10-1.01A, "SAN JOAQUIN KIT FOX PROTECTION," and Section 10-1.01B, "MIGRATORY BIRD TREATY ACT," are added as attached.

In the Special Provisions, Section 10-1.13, "EARTHWORK," is revised as attached.

In the Special Provisions, Section 10-2.05, "IRRIGATION SYSTEMS," subsection "COMMUNICATION EQUIPMENT," the table listing the quantity of communication cable is revised as follows:

COMMUNICATION EQUIPMENT				
ITEM	MODEL NUMBER	QUANTITY	QUOTED PRICE (METER)	EXTENDED PRICE
Paige Electric Tuffhide armored direct burial communication cable	P7162DA	5050 m	\$1.69	\$8,534.50

\*Price does not include sales tax

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In the Proposal and Contract, the Engineer's Estimate Item 8 is revised, and Item 5 is deleted as attached.

To Proposal and Contract book holders:

Replace page 3 of the Engineer's Estimate in the Proposal with the attached revised page 3 of the Engineer's Estimate. The revised Engineer's Estimate is to be used in the bid.

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the proposal.

Submit bids in the Proposal and Contract book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

Inform subcontractors and suppliers as necessary.

This office is sending this addendum by confirmed facsimile to all book holders to ensure that each receives it.

If you are not a Proposal and Contract book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,

ORIGINAL SIGNED BY

REBECCA D. HARNAGEL, Chief  
Office of Plans, Specifications & Estimates  
Office Engineer

Attachments

#### **10-1.01A SAN JOAQUIN KIT FOX PROTECTION**

It is anticipated that kit fox, which is a listed species under the California and Federal Endangered Species Acts, may live within the project limits. Measures are included within the project to avoid "take" as defined by those laws. These measures may affect all work operations accordingly.

The Contractor shall be fully informed of rules, regulation, conditions, and guidance as described in these special provisions and applicable sections of the California Endangered Species Act and the Federal Endangered Species Act (16 U.S.C. 1531-1543). All employees, subcontractors, and contractor's representatives on the project site shall receive a one-hour kit fox specific training provided by the State prior to performing on-site work. The Contractor shall submit a written request to the Engineer 10 days prior to the performance of any work requesting the kit fox training.

In addition to the above, the Contractor shall adhere to and perform the following:

- A. Entrance into areas within the right of way not required for construction activities shall be restricted to the highway and associated paved or graded shoulders. Staging, parking, storage and other project related use areas shall be clearly marked on the ground.
- B. Project-related traffic shall observe a 32 kilometer per hour speed limit except on roads or highways open for public use.
- C. At the end of each working day, the Contractor shall take measures to prevent the entrapment of kit foxes in all excavated, steep-walled holes or trenches more than 0.6-m deep. Such measures shall include covering excavations with plywood or providing dirt or plank escape ramps from the trenches.
- D. The Contractor shall inspect all pipes and culverts with a diameter greater than or equal to 100 mm before burying, capping, or other use. If a kit fox is discovered during this inspection, the pipe or culvert shall not be disturbed (other than to move it to a safe location if necessary) until after the fox has escaped.
- E. The Contractor shall immediately notify the Engineer if a dead, injured or entrapped kit fox is found. Work in the immediate area may be temporarily halted while the State's Biologist at the direction of the Engineer consults with the California Department of Fish and Game and the US Fish and Wildlife Service. Any entrapped kit fox shall be permitted to escape. The disposition of any carcasses or recovering animals shall be coordinated through the Engineer.
- F. If a kit fox den is discovered, all construction activity within a 46 m radius of the den will be halted while the State consults with the U.S. Fish and Wildlife Service and California Department of Fish and Game. An Environmental Sensitive Area will be established around the den and entry into the area will be restricted.
- G. The Contractor shall provide closed garbage containers where food-related trash is generated, and garbage shall be disposed of daily.
- H. Pets are prohibited on work site.

If in the opinion of the Engineer, the Contractor's controlling operations are delayed or interfered with by reason of mitigation measures or adherence to protecting threatened or endangered species, the State will compensate the Contractor for such delays to the extent provided in Section 8-1.09, "Right of Way Delays," of the Standard Specifications, and not otherwise, except as provided in Section 8-1.10, "Utility and non-Highway Facilities," of the Standard Specifications.

Full compensation for conforming to the requirements in this section, including attendance at the educational meeting shall be considered as included in the contract prices paid for the various contract items of work and no additional compensation will be allowed therefor.

#### **10-1.01B MIGRATORY BIRD TREATY ACT**

The Federal Migratory Bird Treaty Act (15 USC 703-711) 50 CFR Part 21 and 50 CFR Part 10, and the California Department of Fish and Game Code Sections 3503, 3513, and 3800, protect migratory birds, their occupied nests, and their eggs from disturbance or destruction. "Migratory Bird" includes all non-game, wild birds found in the United States, except the house sparrow, starling and feral pigeon. A representative of the Department of the Interior U.S. Fish and Wildlife Service, or a California Department of Fish and Game warden may arrest persons responsible for violating these laws. These laws specify damage recovery, fines or penalties of up to \$10,000 or six months imprisonment, or both.

Migratory birds may try to nest on the ground, on structures or in trees, shrubs or other vegetation within the project limits. The Contractor may choose to use appropriate exclusion techniques to avoid nesting season delays. The Contractor shall notify the Engineer 15 working days prior to beginning any ground or vegetation disturbing work between February 15 and September 1. The Engineer will request a pre-construction survey by the Department's Biologist prior to the beginning of work between February 15 and September 1. If evidence of bird nesting is discovered, the Contractor shall not disturb the nesting birds or the nest until the birds have left the nest. If evidence of migratory bird nesting is discovered after beginning work, the Contractor shall immediately stop work and notify the Engineer.

Full compensation for preventing nesting and for conforming to the requirements in these special provisions shall be considered as included in the prices paid for the various contract items of work involved and no additional compensation will be allowed therefore. No extension of time or compensation will be granted for a suspension of work due to nesting migratory birds.

If in the opinion of the Engineer, the Contractor's controlling operations are delayed or interfered with by reason of mitigation measures or adherence to protecting threatened or endangered species, the State will compensate the Contractor for such delays to the extent provided in Section 8-1.09, "Right of Way Delays," of the Standard Specifications, and not otherwise, except as provided in Section 8-1.10, "Utility and non-Highway Facilities," of the Standard Specifications.

Nothing in this section shall relieve the Contractor from providing for public safety in conformance with the provisions in Section 7-1.09, "Public Safety," of the Standard Specifications.

### **10-1.13 EARTHWORK**

Earthwork shall conform to the provisions in Section 19, "Earthwork," of the Standard Specifications and these special provisions.

Surplus excavated material shall become the property of the Contractor and shall be disposed of in conformance with the provisions in Section 7-1.13, "Disposal of Material Outside the Highway Right of Way," of the Standard Specifications.

Full compensation for roadway excavation shall be considered as included in the contract price paid for Minor Concrete (Cobblestone Textured Paving) and no separate payment will be made therefor.

Where a portion of the existing surfacing is to be removed, the outline of the area to be removed shall be cut on a neat line with a power-driven saw to a minimum depth of 50 mm before removing the surfacing. Full compensation for cutting the existing surfacing shall be considered as included in the contract price paid for Minor Concrete (Cobblestone Textured Paving) and no separate payment will be made therefor.

**ENGINEER'S ESTIMATE**  
**06-431504**

Item	Item Code	Item	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	074019	PREPARE STORM WATER POLLUTION PREVENTION PLAN	LS	LUMP SUM	LUMP SUM	
2	074020	WATER POLLUTION CONTROL	LS	LUMP SUM	LUMP SUM	
3 (S)	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	
4 (S)	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	
5	BLANK					
6	200002	ROADSIDE CLEARING	LS	LUMP SUM	LUMP SUM	
7	202011	MULCH	M3	680		
8	203026	MOVE-IN/MOVE-OUT (EROSION CONTROL)	EA	2		
9	203061	STABILIZING EMULSION (EROSION CONTROL)	KG	190		
10	204008	PLANT (GROUP H)	EA	8030		
11	204009	PLANT (GROUP I)	EA	540		
12	204035	PLANT (GROUP A)	EA	1180		
13	204036	PLANT (GROUP B)	EA	360		
14	204098	MAINTAIN EXISTING PLANTS	LS	LUMP SUM	LUMP SUM	
15	204099	PLANT ESTABLISHMENT WORK	LS	LUMP SUM	LUMP SUM	
16	205061	ROOT PROTECTOR	EA	540		
17	206560	CONTROL AND NEUTRAL CONDUCTORS	LS	LUMP SUM	LUMP SUM	
18	030357	COMMUNICATION CABLE	LS	LUMP SUM	LUMP SUM	
19	206611	25 MM ELECTRIC REMOTE CONTROL VALVE	EA	7		
20	206612	32 MM ELECTRIC REMOTE CONTROL VALVE	EA	10		